

House Bill 1436 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 113th, Ehrhart of the 36th, Chambers of the 81st, Drenner of the 86th, Burkhalter of the 50th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a food item; to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a food item is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, is amended by inserting at the end thereof a new Code Section 3-6-4 to read as follows:

"3-6-4.

Notwithstanding any other contrary provision of law, any establishment which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine on the premises with such food item on the establishment's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and food item shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed

1 in a locked glove compartment, a locked trunk, or the area behind the last upright seat of
2 a motor vehicle that is not equipped with a trunk or any other compartment of the vehicle
3 which is secured by a latch and completely closed.”

4 SECTION 2.

5 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
6 miscellaneous provisions of the uniform rules of the road, is amended by striking paragraph
7 (2) of subsection (a) of Code Section 40-6-253, relating to consumption of alcoholic
8 beverages or possession of open container of alcoholic beverage in passenger area, and
9 inserting in its place a new paragraph (2) to read as follows:

10 “(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

11 (A) Contains any amount of alcoholic beverage; and

12 (B)(i) Is open or has a broken seal; or

13 (ii) The contents of which are partially removed.

14 A bottle of wine that has been resealed pursuant to Code Section 3-6-4 shall not
15 constitute an open alcoholic beverage container for purposes of this Code section.”

16 SECTION 3.

17 All laws and parts of laws in conflict with this Act are repealed.